

BRIMFIELD TOWNSHIP BOARD OF ZONING APPEALS

MINUTES of June 18, 2014

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: Vice President Lisa Cotton Scot Etling
Vince Murdocco Cheryl Rueschman Ed Shuttly

Absent: President Bruce Knippenberg

Staff: Dick Messner, Zoning Inspector
Wendi O’Neal, Zoning Secretary

Public Present:

Name	Phone	Company / E-mail
Carl Adorni III		
Bob & Deb Rad		
Joe & Tamara Wymer		
Jeff Miterko		
Russell Streby		
Dennis Talyor Jr.	330.673.6723	Taylor Insurance

CALL TO ORDER:

Lisa Cotten calls the Wednesday, June 18, 2014 meeting of the Brimfield Township Board of Zoning Appeals to order at 7:00 pm.

Wendi O’Neal does roll call:

Cotten = Here **Etling** = Here **Knippenberg** = Absent
Murdocco = Here **Shuttly** = Absent **Rueschman** = Here

Cheryl Rueschman has voting rights this meeting, arriving at 7:05 PM.

Vice Chair Lisa Cotten dually notes that the meeting has been advertised per the Ohio Revised Code.

MOTION#2014-0024

A motion is made to accept the Agenda by **Vince Murdocco**, seconded by **Scot Etling**. Motion carries.

MOTION#2014-0025

A motion to accept the Minutes of the May 21, 2014 Board of Zoning Appeals is made by **Vince Murdocco**, seconded by **Scot Etling**. Motion carries.

PUBLIC COMMENTS: None pertaining to the agenda.

SWEARING IN OF APPLICANTS AND COMMENTERS:

Vice Chair Lisa Cotten states that we ask everyone as we review the applications; you address your comments or questions towards the board. Also, prior to stating concerns, identify yourself and your address. Also, this is a quasi-judicial board, so please state that you confirm to swear to tell the truth in any statements made.

APPLICATIONS:

Conditional Use Zoning Certificate Code Section 309.02B-2

Applicant: Joe Wymer, Arc Roofing, Inc.

Location: 496 Tallmadge Road Kent, Ohio 44240

Parcel: 04-042-10-00-132-000

Joe Wymer: 496 Tallmadge Road. I run a roofing business and have ran a construction company for the last four years. I have a small family, my wife is a teacher. We are trying to, we started off small and now it is getting a little bigger. I've done, roofing. It is a perfect location. It's a sales office. It's not a dumping ground for shingles. It's not anything like that. This is where all the sales guys meet in the morning. It also has a show room where people can come in and check out material they want and see different types. Same crew that we have been using for years.

Dick Messner gives brief overview with presentation.

- 496 Tallmadge Road
- Ernest Giles is the current owner.
- It is 1.33 acres.
- The land use is 420 Portage County, Small Detached Retail Business
- Shows the tax maps, aerial shot, and building, and proposed setup.
- Sales offices, show office on the west side, open in the back.

Cheryl Rueschman: How long have you been in business? Is something that is going to last?

Joe Wymer: 2011, and we did 2 million dollars in sales last year out of my house.

Vince Murdocco: Is it just going to be a roofing company or construction also?

Joe Wymer: All it is going to be is the sales office for my roofing company. And a lot of the concern is, well when I got there I spent probably \$500 just cleaning the place up. Spent all this out of my own money, week wacked, mowing, and junk out, painted. I was born and raised in Brimfield and my family has been here a long time. It means a lot me to, my grandfather would be very proud of me to have a business here in Brimfield. So I'm going to keep it clean, I'm a very proud person both good and bad sometimes. It is going to look nice.

Lisa Cotten: Ok. I know you have an area you have indicated as truck parking, how many trucks are you going to have there and what types of trucks? Are they just trucks for people that are working there?

Jim Wymer: Just our trucks. They are all commercial trucks. So while we are there at the office, they will be pulled off to the in that side spot. Eventually there will be a fence, because I don't want anyone vandalizing them.

Lisa Cotten: What is the progression in terms of materials brought to the property? Like are people just coming there to dispatch to jobs or what is the typical day like and flow of traffic?

Joe Wymer: Well with technology now, they don't have to come, we always email the jobs. And as far as material goes, the only material that would be there would be in that little garage, and this would be just the extra left over after a house. And the sooner I get that back to the supplier the more credit I get, so it is not doing me any good to let it sit there. We are not a big business where they just stack the shingles; we are just a little company so there won't be any materials there, so if anyone wants to come buy something, it is not on site.

Lisa Cotten: Ok, that is what I was wondering if you would have merchandise on the property for purchase. Are you planning on redoing the parking lot? Do you have the paint for the spots?

Joe Wymer: Well, as much as I can, I mean it's in bad shape. I honestly don't know what to do, it's a mix of gravel, cement and weeds, a mess. I would have an asphalt company come in, but I did not buy the property, I only rent. I do have the paint, but I don't want to paint over what is there now, it is almost useless to paint that.

Scot Etling: Were you going to do any kind of signage?

Joe Wymer: Yes on the existing.

Lisa Cotten: You mentioned fencing in the back, what would be stored in that fenced area?

Joe Wymer: Far as now, I don't know. Just if we end up getting, like our company is growing so say we get a dump truck, and obviously there would be shingles in it and then it would take it straight to the dump, instead of renting a dumpster on site, that dump would be stored in the fence. With all the concerns, with the storing of vehicles, it will be and look clean when we leave there.

Lisa Cotten: How many vehicles will be stored there over night? Right, those wouldn't stay overnight?

Joe Wymer: We don't have any as of right now. Each of us have our own trucks. Right those would go home with us every night.

Cheryl Rueschman: Are you going to have the fence go the entire length so that you can access it from each side of the building?

Joe Wymer: There already is a fence all the way around, if you look to the right, (shows the Board where the existing concrete pad is within the fence). Somebody did break a part of it so I will have to redo that, but it will all be gated in. And that is where we would park anything that would be there overnight. Like I said it is a process.

Lisa Cotten: The painting that you have done made it a lot nicer.

Joe Wymer: Yes and thousands of wood bees.

AUDIENCE QUESTIONS:

Jeff Miterko, 4050 Mogadore Road: I live immediately next door to that property. First of all, it is nice to see a recognizable business make an attempt to go in there to better that eye-sore and it has been for a long time. I do have separate questions towards the Commission later about the general condition of property, not this gentleman but who owns the property. I don't know how that gets handled, but maybe I can ask and see. My question about this property, my concern is really the area behind. I live; I just wondered how this area is intended to be used. Going back to the tax map, my property is here and it wraps around my backyard, so whatever is permitted to do there could directly affect us. For example, things are not to be stored high there, I'm going to be looking out my back porch and I could see what is stored there. If there is lighting there that would spill over the fence. That doesn't seem like that is what you are proposing, so my

backyard is here and this is where the fence is. This back area has been at one a little race track, they used to race little cars and that such things back there. But my major concern is back here, what is happening back here or what would be permitted back here. I wouldn't want something to get approved on, how do I say this, I'm assuming whatever is approved for this use applies just to this tenant. If someone comes in there later, they would have to; I wouldn't want something that gets approved now to allow someone to do something worse later. This is my main concern. I was curious if you had any plans on how you were going to use that and/or if there are any limitations on how that can be used well.

Lisa Cotten: And you are just talking about the 130 feet by 110 feet. There? That is your concern?

Jeff Miterko: Yes. I mean, this affects my side line as well, and it sounds like you are going to be parking trucks there.

Joe Wymer: Yea, it's nothing; I mean we are not talking about an 18 wheel dump truck. We are talking about just a little dump truck and that is when we don't even have it yet. And that fence is definitely high enough; there will be no lighting back there. I'm about to get my dad's D.R. bush mower and get all that bush cleared out. So it's going to be nice and clean. It's a jungle back there.

Jeff Miterko: Ok, sure. Is there any plan to use this right now.

Joe Wymer: No, it's a lot of land, I'm just in sales.

Jeff Miterko: And I just didn't know, so I just didn't know if whatever is approved here is going to accidentally allow that use.

Scot Etling: There won't be any submissions.

Lisa Cotten: The use is only restricted to his application, not any other.

Scot Etling: But you are not going to put a security lighting back there or motion detector or anything like that.

Joe Wymer: No.

Jeff Miterko: I saw something to, for different use you know like high industrial use, other areas where you talk about contractor yards and things like that. So that was one of my other concerns to, like if the contractor had a yard and it was permitted, and maybe this gentlemen is just going to do sales,

Lisa Cotten: That's why I was asking about the materials storage.

Jeff Miterko: I'm more worried about things being up high and then you look out the back and see things out over the fence.

Scot Etling: Is there going to be any outside storage at all?

Joe Wymer: Well we were thinking about doing, just in that spot to the right.

Scot Etling: Well my only concern, off the top off my head, if you store pallets out there for some reason, then you get rodents or animals living in them.

Joe Wymer: No, but believe me when I tell you there are rodents there. And something living in the roof, and we are about to redo the roof, and every time I walk in I'm like a little kid, like what is that.

Lisa Cotten: What types of materials, can you give us some examples of some of the things you would be storing in that side yard?

Joe Wymer: Oh I'm not storing anything. Oh like a little pop-up camper, little things like that. It was just an idea, there was land not being used and I'm very.

Lisa Cotten: No, I mean with your business going forward, what do you see that you would store on that side?

Joe Wymer: Nothing right now, but the only thing that would be would be things like little things. There wouldn't be anything over that fence. That fence is probably six feet high.

Lisa Cotten: Essentially what is going to happen is that we can limit you as to what you are going to store there, that's why I am asking you now.

Joe Wymer: Yea, anything that will be six feet or less.

Lisa Cotten: Ok.

Cheryl Rueschman: Are you talking about a fold in trailer?

Joe Wymer: A pop-up.

Lisa Cotten: No he was saying that was what was there.

Joe Wymer: No, I'm just saying there are different things that you could do with that land and it would all be under six foot. His complaint was that it was going to be this gigantic thing behind the building. I think there is a camper back there, somewhere. I haven't been all the way to the back.

Lisa Cotten: How high is the fence that is there? And it is going to remain?

Joe Wymer: I would say six foot. And yea, I don't even know if it is ours.

Russel Streeby, 4044 Mogadore Road: I am on the same, on Mogadore, anyways there was a sign saying, there are signs posted there right now, saying something about outside storage for rent.

Joe Wymer: Yes, things like little campers and such.

Russel Streeby: Outside Storage?

Joe Wymer: Yea.

Cheryl Rueschman: You are going to rent to people a spot for storage?

Joe Wymer: That is what we were originally going to do but when I talked to Mr. Messner he said there would none of that, just the roofing company.

Cheryl Rueschman: So there is nothing you are planning to do with it now?

Joe Wymer: It's not even, the fence isn't even all the way, and it is broken in half, so there isn't anything going yet. Before I even knew anything about having to register, or anything I have never owned a business before. I got a phone call from Mr. Messner saying hey, what are you doing just can't open a business and we started the process of me coming in to start this. When I came in here, I found out what I could and could not do, I have never done anything like this before. So this is all new to me. I see when I pull up there, I have lived here all my life, my father and grandfather, and try to do things that make my family proud, but I seen an acre and a half not being used, and it could be used for outside storage, was the first thing I thought of. But then Mr. Messner said hey no. So that is not an issue. The front fence, if you drive by, you would see someone open the fence, it would not be visible.

Cheryl Rueschman: How is everything in the building? Electrical is everything working?

Joe Wymer: Everything seems to me to be working. I don't know about codes, I just rent the place. So I don't know if that would be the owner's responsibility, because I only rent. It seems like a lot of businesses failed but in reality I think they just were moving on. I just know that we have successfully grown.

MOTION#2014-0026

A motion was made by **Vince Murdocco**, to grant the Conditional Use Zoning Permit subject to the conditions of Chapter Four (4) Section 400.10.B, Subsection 9, 12, 18, 22 to applicant Joe Wymer, Roofing Company, located at 496 Tallmadge Road, Parcel number 04-038-00-00-018-000 as presented tonight, keeps it clean,

Lisa Cotten: Do we have any friendly amendments or situations we want to add?

Scot Etling: Yes, as long as it is just used as storage for your existing business use, there is no outside storage beyond your existing business use, all material must be stored inside, everything has to be stored underneath that existing six (6) foot fence, parking – no security lights in the park, you know like the strobe lights or motion detectors that kind of stuff,

Vince Murdocco accepts the friendly amendments, and we will approve with those conditions, seconded by **Scot Etling**. Motion carries.

Joe Wymer stated he agreed to comply with the conditions set forth tonight with the approval of the Conditional Use Zoning Permit.

VARIANCES: **Variance Side Lot Setback From 10 feet to 5 feet.**
Applicant: **Robert K & Deb Radar**
Location: **3847 Olmsby Drive Kent, Ohio 44240**
Parcel: **04-042-10-00-132-000**

Dick Messner gives a briefing of the variance.

- Beechcrest Subdivision
- Sub Lot 504
- Garage Side Setback Variance
- Single Family Dwelling, classification 510 Land Use Code
- Surrounding Neighbors have been contacted as by law, and two neighbors consented by a signature.
- Does meet the 15 foot Primary Building separation
- Not uncommon to see side variances for garages in this subdivision for garages

The Board makes note that two surrounding properties have the same garage set up.

Robert Radar, 3847 Olmsby: The drive way is four (4) feet off the line and is trying to keep the garage close to that.

Vince Murdocco: This is pretty straight forward.

Dick Messner: Suggests that the garage is a variance, and should only be used for personal vehicles and equipment and that no business will be run out of the garage.

Lisa Cotten: Is that one shed that is in the back is that still there?

Robert Radar: It is still there. We are going to move everything in it over to the garage. In fact, the gentleman right behind me, I offered it to him if he wanted it, find a way to move it he could have it.

Lisa Cotten: And you don't have a garage attached to your house, is that right?

Deb Radar: No, it will be nice to have, a man cave.

Robert Radar: There will be a garden where the shed is now.

Ed Shuttly: Will there be any flood lights? What are you keeping in it, just cars?

Robert Radar: No. Yes, cars and lawn mower, and her hand tools.

MOTION#2014-0027

A motion was made by **Scot Etling**, that we approve the five (5) foot variance for the side setback from ten (10) feet for the building of a personal use garage with no flood lights for applicant Robert K. & Deb Radar, at 3847 Olmsby Drive, parcel 04-042-10-00-132-000, seconded by **Vince Murdocco**. Motion carries.

OLD BUSINESS: NONE

NEW BUSINESS:

- Panera Bread Monument Sign,

Dick Messner gives a briefing on the Panera Bread sign conjoining with the Home Savings Bank Sign.

GOOD OF THE ORDER:

SET NEXT MEETING:

Next meeting is scheduled for Wednesday, July 16, 2014 at 7:00 PM.

ADJOURN: MOTION#2014-0028

A motion was made by **Scot Etling** to adjourn the June 18, 2014 Board of Zoning Appeals meeting, and was seconded by **Cheryl Rueschman** at 8:15 PM. Motion carries.

Chairman Bruce Knippenberg

Vice Lisa Cotten

Scot Etling

Vince Murdocco

Ed Shetty

Secretary Wendi O'Neal

Alternate: Cheryl Rueschman